APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/364,085	**Applicant(s)** ELZUR, URI
	Examiner Thu Ha T. Nguyen	**Art Unit** 2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10/01/2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8 and 14-19_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8 and 14-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other: .

DETAILED ACTION

1.   Claims **1-8, and 14-19** are presented for examination.

2.   Claims 9-13 are canceled without prejudice.

Response to Arguments

3.   In view of Applicants' argument in the Appeal Brief filed on October 1, 2002, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.   The appeal brief fee may be applied to a future appeal in this application (if any).

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is
> not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

5.   Claims 1, 3-8, 14-15, and 17-19 are rejected under 35

U.S.C. § 103 (a) as being unpatentable over Jackowski et al.

(hereinafter Jackowski) U.S. Patent No. 6,141,686, in view of

Law et al. (hereinafter Law) U.S. Patent No. 6,330,602.

6.   Referring to claim 1, Jackowski discloses a method for

use with a computer system, comprising: storing a table in a

memory (Figure 5 Item 60 and Col. 5 lines 7-11, col. 8 lines 59-

col. 9 lines 19), the table including entries identifying

different packet flows (Col. 4 lines 61-63, col. 8 lines 59-col.

9 lines 19); receiving a packet (Figure 5, col. 7 lines 35-65,

col. 8 lines 59-col. 9 lines 34); and using the table to

associate the packet with one of the packet flows (Figure 9A and

9B). Jackowski does not explicitly teach the step of storing a

table in a memory of a peripheral. However, Law teaches step of

storing a table in a memory of a peripheral (figures 4-5, col. 5

lines 19-col. 6 lines 24). It would have been obvious to one of

ordinary skill in the Data Processing art at the time of the

invention to combine the teachings of Jackowshi and Law to have

the storing table in a memory of a peripheral because it would

make the loading faster and efficient performance.

7.   Referring to claim 14, Jackowski discloses a computer

system comprising: a system memory; a processor; store a table

including entries identifying different packet flows (Figure 5

Item 60); a first interface adapted to receive a packet (Figure

5); a second interface adapted to communicate with the system

memory (Figure 5); and a circuit adapted to: use the table to

associate the packet with one of the packet flows (Figure 5 and

Col. 9 lines 3-19), and based on the association, interact with

the second interface to selectively transfer a portion of the

packet to the system memory for processing by the processor

(Figure 5). Jackowski does not explicitly teach a peripheral

comprising a peripheral memory adapted to store the table.

However, Law teaches a peripheral comprising a peripheral memory

adapted to store the table figures 4-5, col. 5 lines 19-col. 6

lines 24). It would have been obvious to one of ordinary skill

in the Data Processing art at the time of the invention to combine the teachings of Jackowshi and Law to have a peripheral comprising a peripheral memory adapted to store the table because it would make the loading faster and efficient performance.

8.   Referring to claim 3, and 17 Jackowski discloses the method of claim 1, and 14 wherein said at least one characteristic comprises: a port number being associated with an application (Col. 5 lines 3-4).

9.   Referring to claim 4, and 18 Jackowski discloses the method of claim 1, 9, 14 wherein said at least one characteristic comprises: a security attribute (Col. 3 lines 34-38).

10.   Referring to claim 5, Jackowski discloses the method of claim 1, further comprising: based on the association, selectively using hardware to process the packet (Abstract and Col. 17 lines 15-20).

11.   Referring to claim 6, Jackowski discloses the method of claim 1, further comprising: based on the association,

selectively executing software to process the packet (Figure 10

and Col. 9 lines 3-19).

12.   Referring to claim 7 and 15, Jackowski discloses the

method of claim 1 and 14 wherein the peripheral comprises: a

network controller (Figure 5 and Col. 8 lines 7-23).

13.   Referring to claim 8 and 19, Jackowski discloses the

method of claim 1 and 14 and a high-level application module

(Figure 5 Item 32). Jackowski does not explicit disclose

storing the packet in another memory. However, the high level

applications as disclosed by Jackowski send and receive

information to a network by making calls to Winsock-2 library by

calling application programming interfaces (API). It is

inherent that any high level application processing of the

received packets requires some kind of storage or memory to

function. Therefore, it is obvious that high-level application

module comprises a memory for information retrieval and for more

convenient accessibility.

14.   Claims 2, and 16 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Jackowski (hereinafter Jackowski)

U.S. Patent No. 6,141,686 and Law et al. (hereinafter Law) U.S.

Patent No. 6,330,602 in view of Radogna et al. (hereinafter

Radogna) U.S. Patent No. 5,991,299.

15.   Referring to claim 2, and 16, Jackowski discloses the

method of claim 1, and 14 where an examiner, coupled to the

interceptor, examines the network event intercepted and collects

statistical information about the network event (Col. 4 lines

61-64). However, Jackowski and Law do not explicitly disclose a

parser that identifies the packet and header characteristics.

Radogna discloses a method for translating data link layer and

network layer frame headers at higher speed for processing

wherein the packet indicates a header and the act of using the

table (Figure 2) comprises: parsing the packet to identify at

least one characteristic of the packet (Figure 2 Item 46 and

Col. 3 lines 23-29 and 50-59); and comparing said at least one

characteristic to the entries (Col. 4 lines 4-17). Therefore,

it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the collection of

statistical network flow and packet information as disclosed by

Jackowski and Law to include a Receive Header Processor as

disclosed by Radogna because the parser not only collects

information but specifically breaks information into manageable

parts. A parser may also check to see that all inputs have been provided.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen whose telephone number is 703-305-7447. The examiner can normally be reached on Mon-Fri (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7201 for regular communications and 703-305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Thu Ha Nguyen

December 10, 2002

AYAZ SHEIKH
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